# BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS FOR THE STATE OF ARIZONA

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In the Matter of:
Renee Roberts, Ed.D.
Holder of License No. 1057 for the Practice of Psychology in the State of Arizona

Case No. 11-31

AZ PSYCHOLOGY BOARD

CONSENT AGREEMENT
AND ORDER FOR
PROBATION, PRACTICE
MONITOR AND CONTINUING
EDUCATION

On August 17, 2012, the Arizona Board of Psychologist Examiners ("Board") held an Informal Interview in Case No. 11-31 regarding Renee Roberts, Ed.D. ("Licensee"). Dr. Roberts and her attorney, Faren Akins, were present at the proceedings and made a presentation to the Board. The complainant B.D. ("Complainant"), was also present and made a presentation to the Board. After the Informal Interview, the Board voted to offer Licensee this Consent Agreement and Order for Probation, Practice Monitor and Continuing Education.

## **JURISDICTION**

- 1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to A.R.S. § 32-2061, et seq.
- 2. Licensee is the holder of license number 1057 for the practice of psychology in the State of Arizona.
- 3. The Board has personal and subject matter jurisdiction over Licensee pursuant to A.R.S. § 32-2061, et seq.

#### RECITALS

Licensee understands and agrees that:

- 4. The Board and Licensee enter into this Consent Agreement to promptly and judiciously resolve this matter, consistent with the public interest and the statutory requirements of the Board.
- 5. The Board has jurisdiction over Licensee and the subject matter pursuant to A.R.S. § 32-2061 et seq.

- 6. Licensee has the right to consult with an attorney prior to entering into this Consent Agreement.
- 7. Licensee has a right to a public hearing concerning this case. She further acknowledges that at such formal hearing she could present evidence and cross-examine witnesses. Licensee irrevocably waives her right to such a hearing.
- 8. Licensee irrevocably waives any right to rehearing or review or to any judicial review or any other appeal of this matter.
- 9. This Consent Agreement shall be subject to the approval by the Board and shall be effective only when signed by the Executive Director and accepted by the Board. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Licensee shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 10. The Consent Agreement, once approved by the Board and signed by the Licensee, shall constitute a public record which may be disseminated as a formal action of the Board.

### FINDINGS OF FACT

- 11. The Complainant in this case alleges that Dr. Roberts practiced outside the scope of her expertise by conducting a competency evaluation of his Mother and further, that she violated HIPAA regulations.
- 12. On December 8, 2010, Dr. Roberts authored a report regarding her evaluation of Mother. Dr. Roberts' report is titled "Mental Competency Evaluation on 12-8-2010" of Mother. The report indicates that the Mother's attorney referred her to Dr. Roberts. The report was subsequently utilized in court proceedings.
- 13. Dr. Roberts did not use psychometric instruments while conducting the competency evaluation.

- 14. The Mother's Daughter was present during the evaluation and was allowed to go in and out of the room while Dr. Roberts evaluated her Mother.
- 15. Subsequent to the December 8, 2010, evaluation, Dr. Roberts commenced individual therapy with Mother and Daughter.
- 16. On December 18, 2010, Dr. Roberts sent an email to the Complainant, however, in the email Dr. Roberts addressed the recipient as "Jill". The subject line of the email contained the Mother's name. Dr. Roberts stated that the email was intended for Daughter. Dr. Robert's violated confidentiality by including Mother's name in the email.

# **CONCLUSIONS OF LAW**

- 17. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2061(A)(13)(g) engaging in or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience, by conducting a competency evaluation without having proper training, failure to use psychometric instruments in the competency evaluation and conducting a forensic evaluation without proper training.
- 18. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2061(A)(13)(o) providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice by allowing Daughter to participate in the evaluation which poses a threat to the validity of the assessment.
- 19. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2061(A)(13)(r) failing to obtain a client's informed and written consent to release personal or otherwise confidential information to another party unless the release is otherwise authorized by law by sending an email with the Mother's name in the subject line to an unintended recipient.
- 20. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2061(13)(dd) Violating an ethical standard adopted by the Board, by entering into a Multiple Relationship pursuant to American Psychological Association Ethical Principles of Psychologists and Code of Conduct §3.05 (2003) (hereinafter APA Code) by treating the Mother and the Daughter concurrently and by providing treatment to Mother after

conducting a competency evaluation; and violating Use of Assessments pursuant to APA Code §9.02 by deviating from standard assessment practices and not following accepted protocol.

# ORDER FOR PROBATION, PRACTICE MONITOR, CONTINUING EDUCATION

Pursuant to A.R.S. §32-2081(Q) the Board has determined that the Licensee's conduct in RFI No. 11-31 warrants disciplinary action. Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:

- 21. **PROBATION:** Licensee's license as a Psychologist is placed on probation for a period of twelve months from the effective date of this Consent Agreement and Order. Licensee may petition the Board to be released from probation after six-months. If the Licensee petitions the Board to be released from probation after six-months, the Board will determine whether Licensee is in compliance with the terms of the Consent Agreement and Order before granting the request. The effective date of this Consent Agreement is the date that it is signed by the Board's Executive Director, or her designee, on behalf of the Board.
- 22. **PRACTICE MONITOR:** During the period of probation, Licensee shall obtain a Practice Monitor to assist her in understanding the issues surrounding multiple relationships, informed consent and forensic psychology. Within 15 days of the effective date of this Order the Licensee shall choose a psychologist from the following list to serve as her Practice Monitor. Within five days of choosing a Practice Monitor, Licensee shall notify the Board who will be serving as her Practice Monitor.
  - David McPhee, Ph.D. 5320 N. 16<sup>th</sup> Street, Suite 207 Phoenix, AZ 85016 602-374-5345
  - John Moran, Ph.D.
     1730 E. Northern Avenue, Suite 112
     Phoenix, AZ 85020
     602-795-4449
  - David Weinstock, Ph.D.
     8350 E. Raintree Dr. Suite 120
     Scottsdale, AZ 85260
     480-840-0400

The Licensee shall meet with the Practice Monitor at least twice each month for the first two months of her probationary period, at the discretion of the Practice Monitor the meetings may

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be decreased. Teleconferencing may be utilized to conduct the Practice Monitor meetings. The Practice Monitor shall submit to the Board quarterly reports of the meetings to include topics covered and any modifications made to the Licensee's practice. [A.R.S. §32-2081]. The Practice Monitor shall provide reports to the Board 30 days after the end of each quarter. The first quarter shall begin on the effective date of this Order. Prior to the conclusion of the probationary period, the Practice Monitor is to complete a final written report to the Board summarizing his interaction with Dr. Roberts, topics discussed, areas of progress, matters of remaining concern and overall impressions. The final report shall be submitted to the Board within 30 days of the end of the last quarter of the term of probation. Licensee shall present this Order to the Board approved Practice Monitor prior to the date of the first meeting. The first meeting between Licensee and her Practice Monitor shall occur within 30 days of the effective date of this Order.

- 23. CONTINUING EDUCATION REQUIREMENT: Licensee shall complete a minimum of 12 hours of continuing education in working with cognitive disorders in geriatric populations and a minimum of 24 hours in integrated care. Continuing education may be completed through distance education. These hours of Continuing Education may not be used toward the 60 hours required for license renewal and shall be completed within 6 months of this Order, unless Licensee requests an extension from the Board. Within two weeks of completion of the additional continuing education, Licensee shall provide the Board with verification of completion of these hours. [R4-26-207(G)].
- 24. **TERMINATION OF PROBATION:** At the end of 6 months, and if the continuing education requirement has been fulfilled, unless otherwise ordered by the Board, Licensee may petition the Board, in writing, and request termination from probation and supervision. If the Board determines that Licensee has not complied with all the requirements of this Consent Agreement, the Board may either (a) continue the probation for an additional six months or longer as specified by the Board, including supervision, or (b) institute proceedings for noncompliance with this Consent Agreement, which may result in the suspension, revocation or other disciplinary and/or remedial action.

25. <u>CONTINUED APPLICATION OF TERMS</u>: If, between the effective date of this Consent Agreement and the termination of Licensee's probation by the Board, Licensee fails to renew her license while under this Consent Agreement and subsequently applies for a license, the remaining terms of this Consent Agreement, including probation and supervision, shall be imposed <u>if</u> the application for licensure is granted.

- 26. <u>EFFECTIVE DATE:</u> Licensee understands that the foregoing Consent Agreement and Order shall not become effective unless and until adopted by the Board of Psychologist Examiners and executed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually approved by the parties in writing.
- 27. <u>CONSIDERATION IN FUTURE ACTIONS:</u> Licensee understands that this Order, or any part thereof, may be considered in any future disciplinary action against her.
- 28. **FINAL RESOLUTION:** This Order constitutes a final resolution of this disciplinary matter but does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, expressed or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions or proceedings. Further, this Order does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Order.
  - 29. **TIME:** Time is of the essence with regard to this Order.
- 30. <u>COSTS:</u> The Licensee shall be responsible for all costs incurred as a result of her compliance with this Order.
- 31. **NON-COMPLIANCE:** If Licensee fails to comply with the terms of this Order, the Board shall properly institute proceedings for noncompliance with this Order, which may result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this Order is a violation of A.R.S. § 32-2061(13)(aa), which is "violating a formal board order, consent agreement, term of probation or stipulated agreement."
- 32. <u>PUBLIC RECORD:</u> This Consent Agreement and Order is a public record that may be publicly disseminated as a formal action of the Board.

1	DATED this 29 day of Ultober, 2012.
2	2 ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS
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5	Kence Holeets 10-26-12 By: Cindy Olvery Psy D
	Renee Roberts, Ed.D.  Licensee  Cindy Olvey, Psy.D.  Executive Director
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8	ORIGINAL of the foregoing filed this
9	day of October, 2012, with:
10	The Arizona State Board of Psychologist Examiners 1400 West Washington, Suite 235 Phoenix, Arizona 85007
11	
12	1
13	COPY mailed by Certified Mail, No. 70092250000271707360 this 18 <sup>th</sup> day of October, 2012, to:
14	
15	Renee Roberts, Ed.D. Address on Record
16	
17	
18	COPY mailed   this   \( \frac{\psi_1}{\psi} \) day of October, 2012, to:
19	
- 1	Faren Akins Renaud Cook Drury Mesaros, P.A. One North Central, Ste. 900
20	
21	Phoenix, AZ 85004
22	
23	COPY of the foregoing mailed by interagency this 18 <sup>4n</sup> day of October, 2012, to:
24	
25	Jeanne M. Galvin, AAG Office of the Attorney General
26	CIV/LES
27	1275 West Washington Phoenix, Arizona 85007
28	
	By: Migan Martin